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| 09/833,471 | 04/12/2001 | Paul J. Rankin | PHGB 000048 | 2814 |

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| EXAMINER |
|---|
| PATEL, ASHOKKUMAR B |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2154 | |

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
| :---: | :---: | :---: |
| **Office Action Summary** | 09/833,471 | RANKIN, PAUL J. |
| | Examiner | Art Unit |
| | Ashok B. Patel | 2154 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>22 August 2005</u>.

2a)☒ This action is **FINAL**.    2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ . .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

1.      Claims 1-17 are subject to examination.  Claims 14-17 are new claims.

### *Response to Arguments*

2.      Applicant's arguments filed 08/22/2005 have been fully considered but they are

not persuasive for the following reasons:

**Applicant's argument:**

"Balog, by contrast, relates to characteristics of a device."

"In view of this explanation by Balog, it is unclear to the applicant why characteristics

would make their way the PSTN to the base station 40."

**Examiner's answer:**

        First of all, Balog teaches in para. [0022], "Now referring to FIGS. 1 and 2, each

user 14 is associated with a global profile 28 which includes a user profile comprising

the user's 14 attributes such as user name and preferences and device 16 usage

patterns.  The user profile is stored on a personalization server 30 for retrieval and

referencing by the content server 22."

        Second, it is not the characteristics would make their way the PSTN to the base

station 40, it is the mechanism that Balog teaches to solve "what type of user's device

along with user's device usage pattern is making the request " as stated in para.

[0008]," As mentioned above, the user will often have multiple, BLUETOOH enabled

devices using a variety of protocols, operating environments and applications and in

complex topologies.  This presents yet another problem for the user, since the user has

the onus to determine which of the available devices support the desired content.  For

example, suppose a user with a laptop computer and a cellular phone desires to receive streaming video, the user would require knowledge of the data type of the content, the video format, streaming method, and a suitable protocol in order to determine the protocol for acceptable presentation on one of the devices. Therefore, the user is required to have some level of knowledge and understanding of these technologies in order to access the content. [0009] Accordingly, it is an object of the present invention to mitigate at least one of the above disadvantages."

Thus, it is the characteristics that would make their way the Balog's a personalization server 30 for retrieval and referencing by the content server 22.

**Applicant's argument:**

"Also, the Office Action appears to endow the mobile phone in this scenario with the function of storing the incoming information, switching to the other mode of operation, and relaying the stored information. Motivation for such a sequence of operations is unclear to the applicant.

It is accordingly unclear, to the applicant, in what manner and by what motivation, the Office Action is combining the two references."

**Examiner's response:**

In conjunction with the Examiner's response above, it would have been obvious to one having ordinary skill in the art at the time of invention was made to use the teachings of Balog to enhance the system of Bjorndahl such that it provides a system wherein associating a user with a global profile having the characteristics of the devices and user attributes, storing the global profile (a profile database) on the service

provider; dynamically selecting an optimal communication protocol for transport of the

content based on the data type and selecting at least one of the mobile devices being

best suited to receive the data type. Thus, the content is routed to one of the devices in

accordance with the global profile, data characteristics and prevailing network

conditions as taught by Balog.

### Claim Rejections - 35 USC § 103

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

4.      Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bjorndahl (US 2002/0065099 A1) in view of Balog et al. (hereinafter Balog) (US

2002/0022453 A1)

**Referring to claim 1,**

The reference Bjorndahl teaches a communications system (Fig.4) comprising:

a plurality of user stations (Fig.4), the user stations include terminals arranged to

receive information from the at least one server via a first network (Fig. 4, element 42).

The reference also teaches wherein the user station further includes a portable

communications device (Fig.4, element 26) coupled with said terminal and

communicatively coupled via a second network (Fig. 2). The reference also teaches

wherein the user terminal  (Fig. 4, element 40) configured to perform the automatic

acquisition of data for the profile database (page 4, para.[0040],

The reference fails to explicitly teach at least one server storage means, holding

a profile database, the profile database containing data representing a characteristic

behaviour of an associated user terminal network address or addresses, wherein the at

least one server automatically acquires such data in response to an activity of the

associated user and storing the same together with the associated user terminal

network address or addresses in the profile database; said data being transferred to

said the at least one server via said portable communications device following

establishment of a connection via said second network.

The reference Balog teaches at least one server storage means, holding a profile

database (page 2, para.[0022]), the profile database containing data representing a

characteristic behaviour of an associated user terminal network address or addresses,

wherein the at least one server automatically acquires such data in response to an

activity of the associated user and storing the same together with the associated user

terminal network address or addresses in the profile database (Fig. 2, page 3,

para.[0032]) ; said data being transferred to said the at least one server via said

portable communications device following establishment of a connection via said

second network (page 3, para.[0031].

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of invention was made to use the teachings of Balog to enhance the system of

Bjorndahl such that it provides a system wherein associating a user with a global profile

having the characteristics of the devices and user attributes, storing the global profile (a

profile database) on the service provider; dynamically selecting an optimal

communication protocol for transport of the content based on the data type and

selecting at least one of the mobile devices being best suited to receive the data type.

Thus, the content is routed to one of the devices in accordance with the global profile,

data characteristics and prevailing network conditions as taught by Balog.

**Referring to claim 2,**

The reference Bjorndahl  teaches wherein said portable communications device

comprises a mobile telephone, said second network is a telecommunications network.

(Fig.4, element 26)

**Referring to claim 3,**

The reference Bjorndahl  teaches wherein the first network is the Internet (page 2,

para.[0016]) and the user terminals comprise at least a display device coupled with

processing means hosting an Internet browser and user-operable means for control of

the same. (Fig. 4, element 57)

**Referring to claim 4,**

The reference Bjorndahl  teaches wherein one or more of said terminals comprises a

television receiver further configured to access and display data from the World Wide

Web. (Fig. 4, element 57)

**Referring to claim 5,**

The reference Bjorndahl teaches wherein the coupling between the portable communications device and the respective user terminal comprises a wireless link. (Fig.4, Center box enveloping "wireless connections")

**Referring to claim 6,**

The reference Bjorndahl teaches wherein data transfer via said wireless link follows a predetermined set of message transfer protocols. (page 4, para.[0043],[0044])

**Referring to claims 7, 8 and 9,**

Keeping in mind the teachings of the reference Bjorndahl as stated above, the reference Bjorndahl fails to teach wherein the portable communications device further comprises a buffer arranged to store data received from said the at least one server and addressed to the respective user terminal, and means for reading stored data from said buffer and sending said data on to the user terminal, and wherein a said portable communications device further comprises means configured to determine whether a respective user terminal is available to receive data from said the at least one server and, if so, to forward such data and, if not, to buffer such data until such time as either the respective user terminal becomes available or the buffer becomes full., and wherein a said portable communications device further comprises means configured to determine whether said the at least one server is available to receive data from a respective user terminal and, if so, to forward such data and, if not, to buffer such data until such time as either the server becomes available or the buffer becomes full.

The reference Balog teaches the bluetooth connectivity wherein one device serves as a master and the others serve as slaves. (page 3, para.[0031]). The

reference also teaches "Based on user preferences defined in a user profile and the user's current location as defined by the access points 20, along with the user device 16 configuration, the content can be routed to the correct user 14, at a specified time, using the most appropriate communication protocol and path to the preferred device 16." (page 3, para.[0029]). Thereby the reference teaches the claimed elements of the invention.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to use the teachings of Balog to enhance the system of Bjorndahl such that it provides a system wherein associating a user with a global profile having the characteristics of the devices and user attributes, storing the global profile (a profile database) on the service provider; dynamically selecting an optimal communication protocol for transport of the content based on the data type and selecting at least one of the mobile devices being best suited to receive the data type. Thus, the content is routed to one of the devices in accordance with the global profile, data characteristics and prevailing network conditions as taught by Balog.

**Referring to claim 10,**

The reference Bjorndahl teaches apparatus as claimed in claim 1, wherein the each said portable communications device further comprises the technical features of the respective user terminal. (Fig. 4, page 4, para.[0043],[0044])

**Referring to claim 11,**

The reference Bjorndahl teaches apparatus as claimed in claim 1, wherein the coupling with said user terminal is by wireless transmission therefrom, and the portable

communications device means for receiving wireless transmissions from the terminal

are further configured to receive additional data transmitted wirelessly from other

sources. (Fig.1, elements 103, 107, 105)

**Referring to claim 12,**

Claim 12 is a claim to method that is carried out by the apparatus of claim 1. Therefore,

claim 12 is rejected for the reasons set forth for claim 1.

**Referring to claim 13,**

The reference Bjorndahl teaches method as claimed in claim 12, wherein said portable

communications device comprises a mobile telephone and stored access data for

establishing connection comprises a telephone number for said mobile telephone. (Fig.

4, element 26)

**Referring to claim 14,**

Claim 14 includes all limitations of claim 1. Therefore, claim 14 is rejected for the

reasons set forth for claim 1.

5.      Claims 15 and  17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bjorndahl (US 2002/0065099 A1) and Balog et al. (hereinafter Balog) (US

2002/0022453 A1) as applied to claim 14 above, and further in view of Curry (US

2002/0059539 A1)

**Referring to claims 15 and 17,**

        Both Bjorndahl and Balog fail to teach the system of claim 14, wherein said

system is further configured to perform said transferring to make a sales solicitation and

the method of claim 14, wherein the transferring makes a sales solicitation.

Curry teaches at para.[0037], "The order database 190 retains data on buyers

and goods with records that track buyer's names, contact information, payment options,

and an identification of goods sold. Contact information comprises a telephone number,

street address, e-mail address, facsimile number, or other means to contact the buyer.

Therefore, it would have been obvious to one having ordinary skill in the art at

the time of invention was made to use the teachings of Balog and Curry to enhance the

system of Bjorndahl such that it provides a system wherein associating a user with a

global profile having the characteristics of the devices and user attributes, storing the

global profile (a profile database) on the service provider; dynamically selecting an

optimal communication protocol for transport of the content based on the data type and

selecting at least one of the mobile devices being best suited to receive the data type.

Thus, the content is routed to one of the devices in accordance with the global profile,

data characteristics and prevailing network conditions as taught by Balog.

6.      Claim 16rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorndahl

(US 2002/0065099 A1) and Balog et al. (hereinafter Balog) (US 2002/0022453 A1) as

applied to claim 1 above, and further in view of Curry (US 2002/0059539 A1)

**Referring to claim 16,**

Both Bjorndahl and Balog fail to teach the system of claim 1, wherein the

transferring makes a sales solicitation.

Curry teaches at para.[0037], "The order database 190 retains data on buyers

and goods with records that track buyer's names, contact information, payment options,

and an identification of goods sold. Contact information comprises a telephone number, street address, e-mail address, facsimile number, or other means to contact the buyer. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to use the teachings of Balog and Curry to enhance the system of Bjorndahl such that it provides a system wherein associating a user with a global profile having the characteristics of the devices and user attributes, storing the global profile (a profile database) on the service provider; dynamically selecting an optimal communication protocol for transport of the content based on the data type and selecting at least one of the mobile devices being best suited to receive the data type. Thus, the content is routed to one of the devices in accordance with the global profile, data characteristics and prevailing network conditions as taught by Balog.

### Conclusion

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

## *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-

3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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